

109TH CONGRESS
1ST SESSION

H. R. 4636

AN ACT

To enact the technical and conforming amendments necessary to implement the Federal Deposit Insurance Reform Act of 2005, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Deposit Insur-
3 ance Reform Conforming Amendments Act of 2005”.

4 **SEC. 2. TECHNICAL AND CONFORMING AMENDMENTS.**

5 (a) TECHNICAL AND CONFORMING AMENDMENTS
6 RELATING TO GOVERNMENT DEPOSITS.—Section
7 11(a)(2) of the Federal Deposit Insurance Act (12 U.S.C.
8 1821(a)(2)) is amended—

9 (1) in subparagraph (A)—

10 (A) by moving the margins of clauses (i)
11 through (v) 4 ems to the right;

12 (B) by striking, in the matter following
13 clause (v), “such depositor shall” and all that
14 follows through the period; and

15 (C) by striking the semicolon at the end of
16 clause (v) and inserting a period;

17 (2) by striking “(2)(A) Notwithstanding” and
18 all that follows through “a depositor who is—” and
19 inserting the following:

20 “(2) GOVERNMENT DEPOSITORS.—

21 “(A) IN GENERAL.—Notwithstanding any
22 limitation in this Act or in any other provision
23 of law relating to the amount of deposit insur-
24 ance available to any 1 depositor—

25 “(i) a government depositor shall, for
26 the purpose of determining the amount of

1 insured deposits under this subsection, be
 2 deemed to be a depositor separate and dis-
 3 tinct from any other officer, employee, or
 4 agent of the United States or any public
 5 unit referred to in subparagraph (B); and

6 “(ii) except as provided in subpara-
 7 graph (C), the deposits of a government
 8 depositor shall be insured in an amount
 9 equal to the standard maximum deposit in-
 10 surance amount (as determined under
 11 paragraph (1)).

12 “(B) GOVERNMENT DEPOSITOR.—In this
 13 paragraph, the term ‘government depositor’
 14 means a depositor that is—”;

15 (3) by striking “(B) The” and inserting the fol-
 16 lowing:

17 “(C) AUTHORITY TO LIMIT DEPOSITS.—
 18 The”; and

19 (4) by striking “depositor referred to in sub-
 20 paragraph (A) of this paragraph” each place such
 21 term appears and inserting “government depositor”.

22 (b) TECHNICAL AND CONFORMING AMENDMENT RE-
 23 LATING TO INSURANCE OF TRUST FUNDS.—Paragraphs
 24 (1) and (3) of section 7(i) of the Federal Deposit Insur-
 25 ance Act (12 U.S.C. 1817(i)) are each amended by strik-

1 ing “\$100,000” and inserting “the standard maximum de-
 2 posit insurance amount (as determined under section
 3 11(a)(1))”.

4 (c) OTHER TECHNICAL AND CONFORMING AMEND-
 5 MENTS.—

6 (1) Section 11(m)(6) of the Federal Deposit In-
 7 surance Act (12 U.S.C. 1821(m)(6)) is amended by
 8 striking “\$100,000” and inserting “an amount equal
 9 to the standard maximum deposit insurance
 10 amount”.

11 (2) Subsection (a) of section 18 of the Federal
 12 Deposit Insurance Act (12 U.S.C. 1828(a)) is
 13 amended to read as follows:

14 “(a) INSURANCE LOGO.—

15 “(1) INSURED DEPOSITORY INSTITUTIONS.—

16 “(A) IN GENERAL.—Each insured deposi-
 17 tory institution shall display at each place of
 18 business maintained by that institution a sign
 19 or signs relating to the insurance of the depos-
 20 its of the institution, in accordance with regula-
 21 tions to be prescribed by the Corporation.

22 “(B) STATEMENT TO BE INCLUDED.—

23 Each sign required under subparagraph (A)
 24 shall include a statement that insured deposits

1 are backed by the full faith and credit of the
2 United States Government.

3 “(2) REGULATIONS.—The Corporation shall
4 prescribe regulations to carry out this subsection, in-
5 cluding regulations governing the substance of signs
6 required by paragraph (1) and the manner of dis-
7 play or use of such signs.

8 “(3) PENALTIES.—For each day that an in-
9 sured depository institution continues to violate this
10 subsection or any regulation issued under this sub-
11 section, it shall be subject to a penalty of not more
12 than \$100, which the Corporation may recover for
13 its use.”.

14 (3) Section 43(d) of the Federal Deposit Insur-
15 ance Act (12 U.S.C. 1831t(d)) is amended by strik-
16 ing “\$100,000” and inserting “an amount equal to
17 the standard maximum deposit insurance amount”.

18 (4) Section 6 of the International Banking Act
19 of 1978 (12 U.S.C. 3104) is amended—

20 (A) by striking “\$100,000” each place
21 such term appears and inserting “an amount
22 equal to the standard maximum deposit insur-
23 ance amount”; and

24 (B) by adding at the end the following new
25 subsection:

1 “(e) STANDARD MAXIMUM DEPOSIT INSURANCE
 2 AMOUNT DEFINED.—For purposes of this section, the
 3 term ‘standard maximum deposit insurance amount’
 4 means the amount of the maximum amount of deposit in-
 5 surance as determined under section 11(a)(1) of the Fed-
 6 eral Deposit Insurance Act.”.

7 (d) CONFORMING CHANGE TO CREDIT UNION SHARE
 8 INSURANCE FUND.—

9 (1) IN GENERAL.—Section 207(k) of the Fed-
 10 eral Credit Union Act (12 U.S.C. 1787(k)) is
 11 amended—

12 (A) by striking “(k)(1)” and all that fol-
 13 lows through the end of paragraph (1) and in-
 14 serting the following:

15 “(k) INSURED AMOUNTS PAYABLE.—

16 “(1) NET INSURED AMOUNT.—

17 “(A) IN GENERAL.—Subject to the provi-
 18 sions of paragraph (2), the net amount of share
 19 insurance payable to any member at an insured
 20 credit union shall not exceed the total amount
 21 of the shares or deposits in the name of the
 22 member (after deducting offsets), less any part
 23 thereof which is in excess of the standard max-
 24 imum share insurance amount, as determined
 25 in accordance with this paragraph and para-

graphs (5) and (6), and consistently with actions taken by the Federal Deposit Insurance Corporation under section 11(a) of the Federal Deposit Insurance Act.

“(B) AGGREGATION.—Determination of the net amount of share insurance under subparagraph (A), shall be in accordance with such regulations as the Board may prescribe, and, in determining the amount payable to any member, there shall be added together all accounts in the credit union maintained by that member for that member’s own benefit, either in the member’s own name or in the names of others.

“(C) AUTHORITY TO DEFINE THE EXTENT OF COVERAGE.—The Board may define, with such classifications and exceptions as it may prescribe, the extent of the share insurance coverage provided for member accounts, including member accounts in the name of a minor, in trust, or in joint tenancy.”;

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clauses (i) through (v), by moving the margins 4 ems to the right;

1 (II) in the matter following
2 clause (v), by striking “his account”
3 and all that follows through the pe-
4 riod; and

5 (III) by striking the semicolon at
6 the end of clause (v) and inserting a
7 period;

8 (ii) by striking “(2)(A) Notwith-
9 standing” and all that follows through “a
10 depositor or member who is—” and insert-
11 ing the following:

12 “(2) GOVERNMENT DEPOSITORS OR MEM-
13 BERS.—

14 “(A) IN GENERAL.—Notwithstanding any
15 limitation in this Act or in any other provision
16 of law relating to the amount of insurance
17 available to any 1 depositor or member, depos-
18 its or shares of a government depositor or mem-
19 ber shall be insured in an amount equal to the
20 standard maximum share insurance amount (as
21 determined under paragraph (5)), subject to
22 subparagraph (C).

23 “(B) GOVERNMENT DEPOSITOR.—In this
24 paragraph, the term ‘government depositor’
25 means a depositor that is—”;

1 (iii) by striking “(B) The” and insert-
2 ing the following:

3 “(C) AUTHORITY TO LIMIT DEPOSITS.—
4 The”; and

5 (iv) by striking “depositor or member
6 referred to in subparagraph (A)” and in-
7 serting “government depositor or mem-
8 ber”; and

9 (C) by adding at the end the following new
10 paragraphs:

11 “(4) COVERAGE FOR CERTAIN EMPLOYEE BEN-
12 EFIT PLAN DEPOSITS.—

13 “(A) PASS-THROUGH INSURANCE.—The
14 Administration shall provide pass-through share
15 insurance for the deposits or shares of any em-
16 ployee benefit plan.

17 “(B) PROHIBITION ON ACCEPTANCE OF
18 DEPOSITS.—An insured credit union that is not
19 well capitalized or adequately capitalized may
20 not accept employee benefit plan deposits.

21 “(C) DEFINITIONS.—For purposes of this
22 paragraph, the following definitions shall apply:

23 “(i) CAPITAL STANDARDS.—The
24 terms ‘well capitalized’ and ‘adequately

capitalized’ have the same meanings as in section 216(c).

“(ii) EMPLOYEE BENEFIT PLAN.—

The term ‘employee benefit plan’—

“(I) has the meaning given to such term in section 3(3) of the Employee Retirement Income Security Act of 1974;

“(II) includes any plan described in section 401(d) of the Internal Revenue Code of 1986; and

“(III) includes any eligible deferred compensation plan described in section 457 of the Internal Revenue Code of 1986.

“(iii) PASS-THROUGH SHARE INSURANCE.—The term ‘pass-through share insurance’ means, with respect to an employee benefit plan, insurance coverage based on the interest of each participant, in accordance with regulations issued by the Administration.

“(D) RULE OF CONSTRUCTION.—No provision of this paragraph shall be construed as authorizing an insured credit union to accept the

1 deposits of an employee benefit plan in an
2 amount greater than such credit union is au-
3 thorized to accept under any other provision of
4 Federal or State law.

5 “(5) STANDARD MAXIMUM SHARE INSURANCE
6 AMOUNT DEFINED.—For purposes of this Act, the
7 term ‘standard maximum share insurance amount’
8 means \$100,000, adjusted as provided under section
9 11(a)(1)(F) of the Federal Deposit Insurance Act.”.

10 (2) INCREASE IN SHARE INSURANCE FOR CER-
11 TAIN RETIREMENT ACCOUNTS.—Section 207(k)(3)
12 of the Federal Credit Union Act (12 U.S.C.
13 1787(k)(3)) is amended by striking “\$100,000” and
14 inserting “‘\$250,000 (which amount shall be subject
15 to inflation adjustments as provided under section
16 11(a)(1)(F) of the Federal Deposit Insurance Act,
17 except that \$250,000 shall be substituted for
18 \$100,000 wherever such term appears in such sec-
19 tion)’”.

20 (3) OTHER TECHNICAL AND CONFORMING
21 AMENDMENTS.—Section 205(a) of the Federal Cred-
22 it Union Act (12 U.S.C. 1785(a)) is amended to
23 read as follows:

24 “(a) INSURANCE LOGO.—

25 “(1) INSURED CREDIT UNIONS.—

1 “(A) IN GENERAL.—Each insured credit
2 union shall display at each place of business
3 maintained by that credit union a sign or signs
4 relating to the insurance of the share accounts
5 of the institution, in accordance with regula-
6 tions to be prescribed by the Board.

7 “(B) STATEMENT TO BE INCLUDED.—
8 Each sign required under subparagraph (A)
9 shall include a statement that insured share ac-
10 counts are backed by the full faith and credit
11 of the United States Government.

12 “(2) REGULATIONS.—The Board shall prescribe
13 regulations to carry out this subsection, including
14 regulations governing the substance of signs re-
15 quired by paragraph (1) and the manner of display
16 or use of such signs.

17 “(3) PENALTIES.—For each day that an in-
18 sured credit union continues to violate this sub-
19 section or any regulation issued under this sub-
20 section, it shall be subject to a penalty of not more
21 than \$100, which the Board may recover for its
22 use.”.

23 (e) EFFECTIVE DATE.—This section and the amend-
24 ments made by this section shall take effect on the date
25 on which the final regulations required under section

1 2109(a)(2) of the Federal Deposit Insurance Reform Act
 2 of 2005 take effect.

3 **SEC. 3. CONFORMING AMENDMENTS RELATING TO ASSESS-**
 4 **MENTS AND REPEAL OF SPECIAL RULES RE-**
 5 **LATING TO MINIMUM ASSESSMENTS AND**
 6 **FREE DEPOSIT INSURANCE.**

7 (a) IN GENERAL.—The Federal Deposit Insurance
 8 Act (12 U.S.C. 1811 et seq.) is amended as follows:

9 (1) Paragraph (3) of section 7(a) of the Fed-
 10 eral Deposit Insurance Act (12 U.S.C. 1817(a)) is
 11 amended by striking the 3d sentence and inserting
 12 the following: “Such reports of condition shall be the
 13 basis for the certified statements to be filed pursu-
 14 ant to subsection (c).”.

15 (2) Subparagraphs (B)(ii) and (C) of section
 16 7(b)(1) of the Federal Deposit Insurance Act (12
 17 U.S.C. 1817(b)(1)) are each amended by striking
 18 “semiannual” where such term appears in each such
 19 subparagraph.

20 (3) Section 7(b)(2) of the Federal Deposit In-
 21 surance Act (12 U.S.C. 1817(b)(2)) is amended—

22 (A) by striking subparagraphs (E), (F),
 23 and (G);

24 (B) in subparagraph (C), by striking
 25 “semiannual”; and

1 (C) by redesignating subparagraph (H) (as
2 amended by subsection (e)(2) of this section) as
3 subparagraph (E).

4 (4) Section 7(b) of the Federal Deposit Insur-
5 ance Act (12 U.S.C. 1817(b)) is amended by strik-
6 ing paragraph (4) and redesignating paragraphs (5)
7 (as amended by subsection (b) of this section), (6),
8 and (7) as paragraphs (4), (5), and (6) respectively.

9 (5) Section 7(c) of the Federal Deposit Insur-
10 ance Act (12 U.S.C. 1817(c)) is amended—

11 (A) in paragraph (1)(A), by striking
12 “semiannual”;

13 (B) in paragraph (2)(A), by striking
14 “semiannual”; and

15 (C) in paragraph (3), by striking “semi-
16 annual period” and inserting “initial assess-
17 ment period”.

18 (6) Section 8(p) of the Federal Deposit Insur-
19 ance Act (12 U.S.C. 1818(p)) is amended by strik-
20 ing “semiannual”.

21 (7) Section 8(q) of the Federal Deposit Insur-
22 ance Act (12 U.S.C. 1818(q)) is amended by strik-
23 ing “semiannual period” and inserting “assessment
24 period”.

1 (8) Section 13(c)(4)(G)(ii)(II) of the Federal
2 Deposit Insurance Act (12 U.S.C.
3 1823(c)(4)(G)(ii)(II)) is amended by striking “semi-
4 annual period” and inserting “assessment period”.

5 (9) Section 232(a) of the Federal Deposit In-
6 surance Corporation Improvement Act of 1991 (12
7 U.S.C. 1834(a)) is amended—

8 (A) in the matter preceding subparagraph
9 (A) of paragraph (2), by striking “the Board
10 and”;

11 (B) in subparagraph (J) of paragraph (2),
12 by striking “the Board” and inserting “the
13 Corporation”;

14 (C) by striking subparagraph (A) of para-
15 graph (3) and inserting the following new sub-
16 paragraph:

17 “(A) CORPORATION.—The term ‘Corpora-
18 tion’ means the Federal Deposit Insurance Cor-
19 poration.”; and

20 (D) in subparagraph (C) of paragraph (3),
21 by striking “Board” and inserting “Corpora-
22 tion”.

23 (b) EFFECTIVE DATE.—This section and the amend-
24 ments made by this section shall take effect on the date
25 that the final regulations required under section

1 2109(a)(5) of the Federal Deposit Insurance Reform Act
 2 of 2005 take effect.

3 **SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS RE-**
 4 **LATING TO REPLACEMENT OF FIXED DES-**
 5 **IGNATED RESERVE RATIO WITH RESERVE**
 6 **RANGE.**

7 (a) IN GENERAL.—Section 3(y) of the Federal De-
 8 posit Insurance Act (12 U.S.C. 1813(y)) is amended—

9 (1) by striking “(y) The term” and inserting
 10 “(y) DEFINITIONS RELATING TO DEPOSIT INSURANCE
 11 FUND.—

12 “(1) DEPOSIT INSURANCE FUND.—The term”;
 13 and

14 (2) by inserting after paragraph (1) (as so des-
 15 ignated by paragraph (1) of this subsection) the fol-
 16 lowing new paragraph:

17 “(2) DESIGNATED RESERVE RATIO.—The term
 18 ‘designated reserve ratio’ means the reserve ratio
 19 designated by the Board of Directors in accordance
 20 with section 7(b)(3).”.

21 (b) EFFECTIVE DATE.—This section and the amend-
 22 ments made by this section shall take effect on the date
 23 that the final regulations required under section
 24 2109(a)(1) of the Federal Deposit Insurance Reform Act
 25 of 2005 take effect.

1 **SEC. 5. REPORT TO CONGRESS ON REFUNDS, DIVIDENDS,**
2 **AND CREDITS FROM DEPOSIT INSURANCE**
3 **FUND.**

4 (a) SUBMISSION.—Any determination under section
5 7(e)(2)(E) of the Federal Deposit Insurance Act, as added
6 by section 2107(a) of the Federal Deposit Insurance Re-
7 form Act of 2005, shall be submitted to the Committee
8 on Banking, Housing, and Urban Affairs of the Senate
9 and the Committee on Financial Services of the House of
10 Representatives, not later than 270 days after making
11 such determination.

12 (b) CONTENT.—The report submitted under sub-
13 section (a) shall include—

14 (1) a detailed explanation for the determina-
15 tion; and

16 (2) a discussion of the factors required to be
17 considered under section 7(e)(2)(F) of the Federal
18 Deposit Insurance Act, as added by section 2107(a)
19 of the Federal Deposit Insurance Reform Act of
20 2005.

21 **SEC. 6. STUDIES OF FDIC STRUCTURE AND EXPENSES AND**
22 **CERTAIN ACTIVITIES AND FURTHER POS-**
23 **SIBLE CHANGES TO DEPOSIT INSURANCE**
24 **SYSTEM.**

25 (a) STUDY BY COMPTROLLER GENERAL.—

1 (1) STUDY REQUIRED.—The Comptroller Gen-
2 eral shall conduct a study of the following issues:

3 (A) The efficiency and effectiveness of the
4 administration of the prompt corrective action
5 program under section 38 of the Federal De-
6 posit Insurance Act by the Federal banking
7 agencies (as defined in section 3 of such Act),
8 including the degree of effectiveness of such
9 agencies in identifying troubled depository insti-
10 tutions and taking effective action with respect
11 to such institutions, and the degree of accuracy
12 of the risk assessments made by the Corpora-
13 tion.

14 (B) The appropriateness of the organiza-
15 tional structure of the Federal Deposit Insur-
16 ance Corporation for the mission of the Cor-
17 poration taking into account—

18 (i) the current size and complexity of
19 the business of insured depository institu-
20 tions (as such term is defined in section 3
21 of the Federal Deposit Insurance Act);

22 (ii) the extent to which the organiza-
23 tional structure contributes to or reduces
24 operational inefficiencies that increase
25 operational costs; and

1 (iii) the effectiveness of internal con-
2 trols.

3 (2) REPORT TO THE CONGRESS.—The Comp-
4 troller General shall submit a report to the Congress
5 before the end of the 1-year period beginning on the
6 date of the enactment of this Act containing the
7 findings and conclusions of the Comptroller General
8 with respect to the study required under paragraph
9 (1) together with such recommendations for legisla-
10 tive or administrative action as the Comptroller Gen-
11 eral may determine to be appropriate.

12 (b) STUDY OF FURTHER POSSIBLE CHANGES TO DE-
13 POSIT INSURANCE SYSTEM.—

14 (1) STUDY REQUIRED.—The Board of Directors
15 of the Federal Deposit Insurance Corporation and
16 the National Credit Union Administration Board
17 shall each conduct a study of the following:

18 (A) The feasibility of establishing a vol-
19 untary deposit insurance system for deposits in
20 excess of the maximum amount of deposit in-
21 surance for any depositor and the potential ben-
22 efits and the potential adverse consequences
23 that may result from the establishment of any
24 such system.

1 (B) The feasibility of increasing the limit
2 on deposit insurance for deposits of municipali-
3 ties and other units of general local govern-
4 ment, and the potential benefits and the poten-
5 tial adverse consequences that may result from
6 any such increase.

7 (C) The feasibility of privatizing all deposit
8 insurance at insured depository institutions and
9 insured credit unions.

10 (2) REPORT.—Before the end of the 1-year pe-
11 riod beginning on the date of the enactment of this
12 Act, the Board of Directors of the Federal Deposit
13 Insurance Corporation and the National Credit
14 Union Administration Board shall each submit a re-
15 port to the Congress on the study required under
16 paragraph (1) containing the findings and conclu-
17 sions of the reporting agency together with such rec-
18 ommendations for legislative or administrative
19 changes as the agency may determine to be appro-
20 priate.

21 (c) STUDY REGARDING APPROPRIATE DEPOSIT BASE
22 IN DESIGNATING RESERVE RATIO.—

23 (1) STUDY REQUIRED.—The Federal Deposit
24 Insurance Corporation shall conduct a study of the
25 feasibility of using alternatives to estimated insured

1 deposits in calculating the reserve ratio of the De-
2 posit Insurance Fund and designating a reserve
3 ratio for such Fund.

4 (2) REPORT.—The Federal Deposit Insurance
5 Corporation shall submit a report to the Congress
6 before the end of the 1-year period beginning on the
7 date of the enactment of this Act containing the
8 findings and conclusions of the Corporation with re-
9 spect to the study required under paragraph (1) to-
10 gether with such recommendations for legislative or
11 administrative action as the Board of Directors of
12 the Corporation may determine to be appropriate.

13 (d) STUDY OF RESERVE METHODOLOGY AND AC-
14 COUNTING FOR LOSS.—

15 (1) STUDY REQUIRED.—The Federal Deposit
16 Insurance Corporation shall conduct a study of the
17 reserve methodology and loss accounting used by the
18 Corporation during the period beginning on January
19 1, 1992, and ending December 31, 2004, with re-
20 spect to insured depository institutions in a troubled
21 condition (as defined in the regulations prescribed
22 pursuant to section 32(f) of the Federal Deposit In-
23 surance Act). The Corporation shall obtain com-
24 ments on the design of the study from the Comp-
25 troller General.

1 (2) FACTORS TO BE INCLUDED.—In conducting
2 the study pursuant to paragraph (1), the Federal
3 Deposit Insurance Corporation shall—

4 (A) consider the overall effectiveness and
5 accuracy of the methodology used by the Cor-
6 poration for establishing and maintaining re-
7 serves and estimating and accounting for losses
8 at insured depository institutions, during the
9 period described in such paragraph;

10 (B) consider the appropriateness and reli-
11 ability of information and criteria used by the
12 Corporation in determining—

13 (i) whether an insured depository in-
14 stitution was in a troubled condition; and

15 (ii) the amount of any loss anticipated
16 at such institution;

17 (C) analyze the actual historical loss expe-
18 rience over the period described in paragraph
19 (1) and the causes of the exceptionally high
20 rate of losses experienced by the Corporation in
21 the final 3 years of that period; and

22 (D) rate the efforts of the Corporation to
23 reduce losses in such 3-year period to minimally
24 acceptable levels and to historical levels.

1 (3) REPORT REQUIRED.—The Board of Direc-
2 tors of the Federal Deposit Insurance Corporation
3 shall submit a report to the Congress before the end
4 of the 1-year period beginning on the date of the en-
5 actment of this Act, containing the findings and con-
6 clusions of the Corporation with respect to the study
7 required under paragraph (1), together with such
8 recommendations for legislative or administrative ac-
9 tion as the Board of Directors may determine to be
10 appropriate. Before submitting the report to Con-
11 gress, the Board of Directors shall provide a draft
12 of the report to the Comptroller General for com-
13 ment.

14 (e) BASEL II STUDY.—

15 (1) IN GENERAL.—Not later than 1 year after
16 the date of enactment of this Act, the Comptroller
17 General shall report to the Committee on Banking,
18 Housing, and Urban Affairs of the Senate and the
19 Committee on Financial Services of the House of
20 Representatives on the potential impact on the fi-
21 nancial system of the United States of the imple-
22 mentation of the new Basel Capital Accord (Basel
23 II) and the proposed revisions to current reserve re-
24 quirement regulations for non-Basel II banks.

1 (2) FACTORS TO BE INCLUDED.—The report
2 required under paragraph (1) shall address the fol-
3 lowing:

4 (A) The potential impact of Basel II on
5 capital requirements in the United States, in-
6 cluding—

7 (i) whether there would be a reduction
8 in capital requirements;

9 (ii) whether Basel II could hinder en-
10 forcement of prompt corrective action laws
11 and regulations; and

12 (iii) the potential implications any
13 changes in capital requirements may have
14 on the safety and soundness of the finan-
15 cial system in the United States.

16 (B) By gathering available information,
17 the ability of United States banks and bank
18 regulators to implement and comply with the
19 provisions of Basel II, including—

20 (i) the costs of Basel II for financial
21 institutions and regulators

22 (ii) the feasibility and appropriateness
23 of Basel II's statistical models; and

1 (iii) the ability of regulators to oversee
 2 capital requirement operations of financial
 3 institutions.

4 (C) The ability of the United States finan-
 5 cial institution regulatory agencies—

6 (i) to attract and retain sufficient ex-
 7 pertise, both among specialists and exam-
 8 iners; and

9 (ii) to conduct the necessary oversight
 10 of capital and risk modeling by regulated
 11 financial institutions subject to Basel II.

12 **SEC. 7. BI-ANNUAL FDIC SURVEY AND REPORT ON IN-**
 13 **CREASING THE DEPOSIT BASE BY ENCOUR-**
 14 **AGING USE OF DEPOSITORY INSTITUTIONS**
 15 **BY THE UNBANKED.**

16 The Federal Deposit Insurance Act (12 U.S.C. 1811
 17 et seq.) is amended by adding at the end the following
 18 new section:

19 **“SEC. 49. BI-ANNUAL FDIC SURVEY AND REPORT ON EN-**
 20 **COURAGING USE OF DEPOSITORY INSTITU-**
 21 **TIONS BY THE UNBANKED.**

22 **“(a) SURVEY REQUIRED.—**

23 **“(1) IN GENERAL.—**The Corporation shall con-
 24 duct a bi-annual survey on efforts by insured deposi-
 25 tory institutions to bring those individuals and fami-

1 lies who have rarely, if ever, held a checking ac-
2 count, a savings account or other type of transaction
3 or check cashing account at an insured depository
4 institution (hereafter in this section referred to as
5 the ‘unbanked’) into the conventional finance sys-
6 tem.

7 “(2) FACTORS AND QUESTIONS TO CON-
8 sider.—In conducting the survey, the Corporation
9 shall take the following factors and questions into
10 account:

11 “(A) To what extent do insured depository
12 institutions promote financial education and fi-
13 nancial literacy outreach?

14 “(B) Which financial education efforts ap-
15 pear to be the most effective in bringing
16 ‘unbanked’ individuals and families into the
17 conventional finance system?

18 “(C) What efforts are insured institutions
19 making at converting ‘unbanked’ money order,
20 wire transfer, and international remittance cus-
21 tomers into conventional account holders?

22 “(D) What cultural, language and identi-
23 fication issues as well as transaction costs ap-
24 pear to most prevent ‘unbanked’ individuals
25 from establishing conventional accounts?

1 “(E) What is a fair estimate of the size
2 and worth of the ‘unbanked’ market in the
3 United States?

4 “(b) REPORTS.—The Chairperson of the Board of
5 Directors shall submit a bi-annual report to the Com-
6 mittee on Financial Services of the House of Representa-
7 tives and the Committee on Banking, Housing, and Urban
8 Affairs of the Senate containing the Corporation’s findings
9 and conclusions with respect to the survey conducted pur-
10 suant to subsection (a), together with such recommenda-
11 tions for legislative or administrative action as the Chair-
12 person may determine to be appropriate.”.

13 **SEC. 8. TECHNICAL AND CONFORMING AMENDMENTS TO**
14 **THE FEDERAL DEPOSIT INSURANCE ACT RE-**
15 **LATING TO THE MERGER OF THE BIF AND**
16 **SAIF.**

17 (a) IN GENERAL.—The Federal Deposit Insurance
18 Act (12 U.S.C. 1811 et seq.) is amended—

19 (1) in section 3 (12 U.S.C. 1813)—

20 (A) by striking subparagraph (B) of sub-
21 section (a)(1) and inserting the following new
22 subparagraph:

23 “(B) includes any former savings associa-
24 tion.”; and

1 (B) by striking paragraph (1) of sub-
2 section (y) (as so designated by section 4(b) of
3 this title) and inserting the following new para-
4 graph:

5 “(1) DEPOSIT INSURANCE FUND.—The term
6 ‘Deposit Insurance Fund’ means the Deposit Insur-
7 ance Fund established under section 11(a)(4).”;

8 (2) in section 5(b)(5) (12 U.S.C. 1815(b)(5)),
9 by striking “the Bank Insurance Fund or the Sav-
10 ings Association Insurance Fund,” and inserting
11 “the Deposit Insurance Fund,”;

12 (3) in section 5(c)(4), by striking “deposit in-
13 surance fund” and inserting “Deposit Insurance
14 Fund”;

15 (4) in section 5(d) (12 U.S.C. 1815(d)), by
16 striking paragraphs (2) and (3) (and any funds re-
17 sulting from the application of such paragraph (2)
18 prior to its repeal shall be deposited into the general
19 fund of the Deposit Insurance Fund);

20 (5) in section 5(d)(1) (12 U.S.C. 1815(d)(1))—

21 (A) in subparagraph (A), by striking “re-
22 serve ratios in the Bank Insurance Fund and
23 the Savings Association Insurance Fund as re-
24 quired by section 7” and inserting “the reserve
25 ratio of the Deposit Insurance Fund”;

1 (B) by striking subparagraph (B) and in-
 2 serting the following:

3 “(2) **FEE CREDITED TO THE DEPOSIT INSUR-**
 4 **ANCE FUND.**—The fee paid by the depository insti-
 5 tution under paragraph (1) shall be credited to the
 6 Deposit Insurance Fund.”;

7 (C) by striking “(1) **UNINSURED INSTI-**
 8 **TUTIONS.**—”; and

9 (D) by redesignating subparagraphs (A)
 10 and (C) as paragraphs (1) and (3), respectively,
 11 and moving the left margins 2 ems to the left;
 12 (6) in section 5(e) (12 U.S.C. 1815(e))—

13 (A) in paragraph (5)(A), by striking
 14 “Bank Insurance Fund or the Savings Associa-
 15 tion Insurance Fund” and inserting “Deposit
 16 Insurance Fund”;

17 (B) by striking paragraph (6); and

18 (C) by redesignating paragraphs (7), (8),
 19 and (9) as paragraphs (6), (7), and (8), respec-
 20 tively;

21 (7) in section 6(5) (12 U.S.C. 1816(5)), by
 22 striking “Bank Insurance Fund or the Savings As-
 23 sociation Insurance Fund” and inserting “Deposit
 24 Insurance Fund”;

25 (8) in section 7(b) (12 U.S.C. 1817(b))—

1 (A) in paragraph (1)(C), by striking “de-
2 posit insurance fund” each place that term ap-
3 pears and inserting “Deposit Insurance Fund”;

4 (B) in paragraph (1)(D), by striking “each
5 deposit insurance fund” and inserting “the De-
6 posit Insurance Fund”; and

7 (C) in paragraph (5) (as so redesignated
8 by section 3(d)(4))—

9 (i) by striking “any such assessment”
10 and inserting “any such assessment is nec-
11 essary”;

12 (ii) by striking subparagraph (B);

13 (iii) in subparagraph (A)—

14 (I) by striking “(A) is nec-
15 essary—”;

16 (II) by striking “Bank Insurance
17 Fund members” and inserting “in-
18 sured depository institutions”; and

19 (III) by redesignating clauses (i),
20 (ii), and (iii) as subparagraphs (A),
21 (B), and (C), respectively, and moving
22 the margins 2 ems to the left; and

23 (iv) in subparagraph (C) (as so red-
24 igned)—

1 (I) by inserting “that” before
 2 “the Corporation”; and

3 (II) by striking “; and” and in-
 4 serting a period;

5 (9) in section 7(j)(7)(F) (12 U.S.C.
 6 1817(j)(7)(F)), by striking “Bank Insurance Fund
 7 or the Savings Association Insurance Fund” and in-
 8 serting “Deposit Insurance Fund”;

9 (10) in section 8(t)(2)(C) (12 U.S.C.
 10 1818(t)(2)(C)), by striking “deposit insurance fund”
 11 and inserting “Deposit Insurance Fund”;

12 (11) in section 11 (12 U.S.C. 1821)—

13 (A) by striking “deposit insurance fund”
 14 each place that term appears and inserting
 15 “Deposit Insurance Fund”;

16 (B) by striking paragraph (4) of sub-
 17 section (a) and inserting the following new
 18 paragraph:

19 “(4) DEPOSIT INSURANCE FUND.—

20 “(A) ESTABLISHMENT.—There is estab-
 21 lished the Deposit Insurance Fund, which the
 22 Corporation shall—

23 “(i) maintain and administer;

1 “(ii) use to carry out its insurance
2 purposes, in the manner provided by this
3 subsection; and

4 “(iii) invest in accordance with section
5 13(a).

6 “(B) USES.—The Deposit Insurance Fund
7 shall be available to the Corporation for use
8 with respect to insured depository institutions
9 the deposits of which are insured by the De-
10 posit Insurance Fund.

11 “(C) LIMITATION ON USE.—Notwith-
12 standing any provision of law other than section
13 13(c)(4)(G), the Deposit Insurance Fund shall
14 not be used in any manner to benefit any share-
15 holder or affiliate (other than an insured depos-
16 itory institution that receives assistance in ac-
17 cordance with the provisions of this Act) of—

18 “(i) any insured depository institution
19 for which the Corporation has been ap-
20 pointed conservator or receiver, in connec-
21 tion with any type of resolution by the
22 Corporation;

23 “(ii) any other insured depository in-
24 stitution in default or in danger of default,

1 in connection with any type of resolution
2 by the Corporation; or

3 “(iii) any insured depository institu-
4 tion, in connection with the provision of as-
5 sistance under this section or section 13
6 with respect to such institution, except
7 that this clause shall not prohibit any as-
8 sistance to any insured depository institu-
9 tion that is not in default, or that is not
10 in danger of default, that is acquiring (as
11 defined in section 13(f)(8)(B)) another in-
12 sured depository institution.

13 “(D) DEPOSITS.—All amounts assessed
14 against insured depository institutions by the
15 Corporation shall be deposited into the Deposit
16 Insurance Fund.”;

17 (C) by striking paragraphs (5), (6), and
18 (7) of subsection (a); and

19 (D) by redesignating paragraph (8) of sub-
20 section (a) as paragraph (5);

21 (12) in section 11(f)(1) (12 U.S.C. 1821(f)(1)),
22 by striking “, except that—” and all that follows
23 through the end of the paragraph and inserting a
24 period;

1 (13) in section 11(i)(3) (12 U.S.C.
2 1821(i)(3))—

3 (A) by striking subparagraph (B);

4 (B) by redesignating subparagraph (C) as
5 subparagraph (B); and

6 (C) in subparagraph (B) (as so redesign-
7 nated), by striking “subparagraphs (A) and
8 (B)” and inserting “subparagraph (A)”;

9 (14) in section 11(p)(2)(B) (12 U.S.C.
10 1821(p)(2)(B)), by striking “institution, any” and
11 inserting “institution, the”;

12 (15) in section 11A(a) (12 U.S.C. 1821a(a))—

13 (A) in paragraph (2), by striking “**LIABIL-**
14 **ITIES.—**” and all that follows through “Ex-
15 cept” and inserting “**LIABILITIES.—**Except”;

16 (B) by striking paragraph (2)(B); and

17 (C) in paragraph (3), by striking “the
18 Bank Insurance Fund, the Savings Association
19 Insurance Fund,” and inserting “the Deposit
20 Insurance Fund”;

21 (16) in section 11A(b) (12 U.S.C. 1821a(b)),
22 by striking paragraph (4);

23 (17) in section 11A(f) (12 U.S.C. 1821a(f)), by
24 striking “Savings Association Insurance Fund” and
25 inserting “Deposit Insurance Fund”;

1 (18) in section 12(f)(4)(E)(iv) (12 U.S.C.
2 1822(f)(4)(E)(iv)), by striking “Federal deposit in-
3 surance funds” and inserting “the Deposit Insur-
4 ance Fund (or any predecessor deposit insurance
5 fund)”;

6 (19) in section 13 (12 U.S.C. 1823)—

7 (A) by striking “deposit insurance fund”
8 each place that term appears and inserting
9 “Deposit Insurance Fund”;

10 (B) in subsection (a)(1), by striking “Bank
11 Insurance Fund, the Savings Association Insur-
12 ance Fund,” and inserting “Deposit Insurance
13 Fund”;

14 (C) in subsection (c)(4)(E)—

15 (i) in the subparagraph heading, by
16 striking “funds” and inserting “fund”; and

17 (ii) in clause (i), by striking “any in-
18 surance fund” and inserting “the Deposit
19 Insurance Fund”;

20 (D) in subsection (c)(4)(G)(ii)—

21 (i) by striking “appropriate insurance
22 fund” and inserting “Deposit Insurance
23 Fund”;

24 (ii) by striking “the members of the
25 insurance fund (of which such institution

1 is a member)” and inserting “insured de-
2 pository institutions”;

3 (iii) by striking “each member’s” and
4 inserting “each insured depository institu-
5 tion’s”; and

6 (iv) by striking “the member’s” each
7 place that term appears and inserting “the
8 institution’s”;

9 (E) in subsection (c), by striking para-
10 graph (11);

11 (F) in subsection (h), by striking “Bank
12 Insurance Fund” and inserting “Deposit Insur-
13 ance Fund”;

14 (G) in subsection (k)(4)(B)(i), by striking
15 “Savings Association Insurance Fund member”
16 and inserting “savings association”; and

17 (H) in subsection (k)(5)(A), by striking
18 “Savings Association Insurance Fund mem-
19 bers” and inserting “savings associations”;

20 (20) in section 14(a) (12 U.S.C. 1824(a)), in
21 the 5th sentence—

22 (A) by striking “Bank Insurance Fund or
23 the Savings Association Insurance Fund” and
24 inserting “Deposit Insurance Fund”; and

1 (B) by striking “each such fund” and in-
 2 serting “the Deposit Insurance Fund”;

3 (21) in section 14(b) (12 U.S.C. 1824(b)), by
 4 striking “Bank Insurance Fund or Savings Associa-
 5 tion Insurance Fund” and inserting “Deposit Insur-
 6 ance Fund”;

7 (22) in section 14(c) (12 U.S.C. 1824(c)), by
 8 striking paragraph (3);

9 (23) in section 14(d) (12 U.S.C. 1824(d))—

10 (A) by striking “Bank Insurance Fund
 11 member” each place that term appears and in-
 12 serting “insured depository institution”;

13 (B) by striking “Bank Insurance Fund
 14 members” each place that term appears and in-
 15 serting “insured depository institutions”;

16 (C) by striking “Bank Insurance Fund”
 17 each place that term appears (other than in
 18 connection with a reference to a term amended
 19 by subparagraph (A) or (B) of this paragraph)
 20 and inserting “Deposit Insurance Fund”;

21 (D) by striking the subsection heading and
 22 inserting the following:

23 “(d) BORROWING FOR THE DEPOSIT INSURANCE
 24 FUND FROM INSURED DEPOSITORY INSTITUTIONS.—”;

1 (E) in paragraph (3), in the paragraph
2 heading, by striking “BIF” and inserting “THE
3 DEPOSIT INSURANCE FUND”; and

4 (F) in paragraph (5), in the paragraph
5 heading, by striking “BIF MEMBERS” and in-
6 serting “INSURED DEPOSITORY INSTITUTIONS”;

7 (24) in section 14 (12 U.S.C. 1824), by adding
8 at the end the following new subsection:

9 “(e) BORROWING FOR THE DEPOSIT INSURANCE
10 FUND FROM FEDERAL HOME LOAN BANKS.—

11 “(1) IN GENERAL.—The Corporation may bor-
12 row from the Federal home loan banks, with the
13 concurrence of the Federal Housing Finance Board,
14 such funds as the Corporation considers necessary
15 for the use of the Deposit Insurance Fund.

16 “(2) TERMS AND CONDITIONS.—Any loan from
17 any Federal home loan bank under paragraph (1) to
18 the Deposit Insurance Fund shall—

19 “(A) bear a rate of interest of not less
20 than the current marginal cost of funds to that
21 bank, taking into account the maturities in-
22 volved;

23 “(B) be adequately secured, as determined
24 by the Federal Housing Finance Board;

1 “(C) be a direct liability of the Deposit In-
2 surance Fund; and

3 “(D) be subject to the limitations of sec-
4 tion 15(c).”;

5 (25) in section 15(c)(5) (12 U.S.C.
6 1825(c)(5))—

7 (A) by striking “the Bank Insurance Fund
8 or Savings Association Insurance Fund, respec-
9 tively” each place that term appears and insert-
10 ing “the Deposit Insurance Fund”; and

11 (B) in subparagraph (B), by striking “the
12 Bank Insurance Fund or the Savings Associa-
13 tion Insurance Fund, respectively” and insert-
14 ing “the Deposit Insurance Fund”;

15 (26) in section 17(a) (12 U.S.C. 1827(a))—

16 (A) in the subsection heading, by striking
17 “BIF, SAIF,” and inserting “THE DEPOSIT IN-
18 SURANCE FUND”; and

19 (B) in paragraph (1)—

20 (i) by striking “the Bank Insurance
21 Fund, the Savings Association Insurance
22 Fund,” each place that term appears and
23 inserting “the Deposit Insurance Fund”;
24 and

1 (ii) in subparagraph (D), by striking
2 “each insurance fund” and inserting “the
3 Deposit Insurance Fund”;

4 (27) in section 17(d) (12 U.S.C. 1827(d)), by
5 striking “, the Bank Insurance Fund, the Savings
6 Association Insurance Fund,” each place that term
7 appears and inserting “the Deposit Insurance
8 Fund”;

9 (28) in section 18(m)(3) (12 U.S.C.
10 1828(m)(3))—

11 (A) by striking “Savings Association In-
12 surance Fund” in the 1st sentence of subpara-
13 graph (A) and inserting “Deposit Insurance
14 Fund”;

15 (B) by striking “Savings Association In-
16 surance Fund member” in the last sentence of
17 subparagraph (A) and inserting “savings asso-
18 ciation”; and

19 (C) by striking “Savings Association Insur-
20 ance Fund or the Bank Insurance Fund” in
21 subparagraph (C) and inserting “Deposit Insur-
22 ance Fund”;

23 (29) in section 18(o) (12 U.S.C. 1828(o)), by
24 striking “deposit insurance funds” and “deposit in-

1 insurance fund” each place those terms appear and in-
2 serting “Deposit Insurance Fund”;

3 (30) in section 18(p) (12 U.S.C. 1828(p)), by
4 striking “deposit insurance funds” and inserting
5 “Deposit Insurance Fund”;

6 (31) in section 24 (12 U.S.C. 1831a)—

7 (A) in subsections (a)(1) and (d)(1)(A), by
8 striking “appropriate deposit insurance fund”
9 each place that term appears and inserting
10 “Deposit Insurance Fund”;

11 (B) in subsection (e)(2)(A), by striking
12 “risk to” and all that follows through the pe-
13 riod and inserting “risk to the Deposit Insur-
14 ance Fund.”; and

15 (C) in subsections (e)(2)(B)(ii) and
16 (f)(6)(B), by striking “the insurance fund of
17 which such bank is a member” each place that
18 term appears and inserting “the Deposit Insur-
19 ance Fund”;

20 (32) in section 28 (12 U.S.C. 1831e), by strik-
21 ing “affected deposit insurance fund” each place
22 that term appears and inserting “Deposit Insurance
23 Fund”;

24 (33) by striking section 31 (12 U.S.C. 1831h);

1 (34) in section 36(i)(3) (12 U.S.C.
2 1831m(i)(3)), by striking “affected deposit insur-
3 ance fund” and inserting “Deposit Insurance
4 Fund”;

5 (35) in section 37(a)(1)(C) (12 U.S.C.
6 1831n(a)(1)(C)), by striking “insurance funds” and
7 inserting “Deposit Insurance Fund”;

8 (36) in section 38 (12 U.S.C. 1831o), by strik-
9 ing “the deposit insurance fund” each place that
10 term appears and inserting “the Deposit Insurance
11 Fund”;

12 (37) in section 38(a) (12 U.S.C. 1831o(a)), in
13 the subsection heading, by striking “FUNDS” and in-
14 serting “FUND”;

15 (38) in section 38(k) (12 U.S.C. 1831o(k))—

16 (A) in paragraph (1), by striking “a de-
17 posit insurance fund” and inserting “the De-
18 posit Insurance Fund”;

19 (B) in paragraph (2), by striking “A de-
20 posit insurance fund” and inserting “The De-
21 posit Insurance Fund”; and

22 (C) in paragraphs (2)(A) and (3)(B), by
23 striking “the deposit insurance fund’s outlays”
24 each place that term appears and inserting “the
25 outlays of the Deposit Insurance Fund”; and

1 (39) in section 38(o) (12 U.S.C. 1831o(o))—

2 (A) by striking “**ASSOCIATIONS.—**” and
 3 all that follows through “Subsections (e)(2)”
 4 and inserting “**ASSOCIATIONS.—**Subsections
 5 (e)(2)”;

6 (B) by redesignating subparagraphs (A),
 7 (B), and (C) as paragraphs (1), (2), and (3),
 8 respectively, and moving the margins 2 ems to
 9 the left; and

10 (C) in paragraph (1) (as so redesignated),
 11 by redesignating clauses (i) and (ii) as subpara-
 12 graphs (A) and (B), respectively, and moving
 13 the margins 2 ems to the left.

14 (b) **EFFECTIVE DATE.**—This section and the amend-
 15 ments made by this section shall take effect on the day
 16 of the merger of the Bank Insurance Fund and the Sav-
 17 ings Association Insurance Fund pursuant to the Federal
 18 Deposit Insurance Reform Act of 2005.

19 **SEC. 9. OTHER TECHNICAL AND CONFORMING AMEND-**
 20 **MENTS RELATING TO THE MERGER OF THE**
 21 **BIF AND SAIF.**

22 (a) **SECTION 5136 OF THE REVISED STATUTES.—**
 23 The paragraph designated the “Eleventh” of section 5136
 24 of the Revised Statutes of the United States (12 U.S.C.
 25 24) is amended in the 5th sentence, by striking “affected

1 deposit insurance fund” and inserting “Deposit Insurance
2 Fund”.

3 (b) INVESTMENTS PROMOTING PUBLIC WELFARE;
4 LIMITATIONS ON AGGREGATE INVESTMENTS.—The 23d
5 undesignated paragraph of section 9 of the Federal Re-
6 serve Act (12 U.S.C. 338a) is amended in the 4th sen-
7 tence, by striking “affected deposit insurance fund” and
8 inserting “Deposit Insurance Fund”.

9 (c) ADVANCES TO CRITICALLY UNDERCAPITALIZED
10 DEPOSITORY INSTITUTIONS.—Section 10B(b)(3)(A)(ii) of
11 the Federal Reserve Act (12 U.S.C. 347b(b)(3)(A)(ii)) is
12 amended by striking “any deposit insurance fund in” and
13 inserting “the Deposit Insurance Fund of”.

14 (d) AMENDMENTS TO THE FEDERAL HOME LOAN
15 BANK ACT.—The Federal Home Loan Bank Act (12
16 U.S.C. 1421 et seq.) is amended—

17 (1) in section 11(k) (12 U.S.C. 1431(k))—

18 (A) in the subsection heading, by striking
19 “SAIF” and inserting “THE DEPOSIT INSUR-
20 ANCE FUND”; and

21 (B) by striking “Savings Association In-
22 surance Fund” each place such term appears
23 and inserting “Deposit Insurance Fund”;

24 (2) in section 21 (12 U.S.C. 1441)—

1 (A) in subsection (f)(2), by striking “, ex-
 2 cept that” and all that follows through the end
 3 of the paragraph and inserting a period; and

4 (B) in subsection (k), by striking para-
 5 graph (4);

6 (3) in section 21A(b)(4)(B) (12 U.S.C.
 7 1441a(b)(4)(B)), by striking “affected deposit insur-
 8 ance fund” and inserting “Deposit Insurance
 9 Fund”;

10 (4) in section 21A(b)(6)(B) (12 U.S.C.
 11 1441a(b)(6)(B))—

12 (A) in the subparagraph heading, by strik-
 13 ing “SAIF-INSURED BANKS” and inserting
 14 “CHARTER CONVERSIONS”; and

15 (B) by striking “Savings Association In-
 16 surance Fund member” and inserting “savings
 17 association”;

18 (5) in section 21A(b)(10)(A)(iv)(II) (12 U.S.C.
 19 1441a(b)(10)(A)(iv)(II)), by striking “Savings Asso-
 20 ciation Insurance Fund” and inserting “Deposit In-
 21 surance Fund”;

22 (6) in section 21A(n)(6)(E)(iv) (12 U.S.C.
 23 1441(n)(6)(E)(iv)), by striking “Federal deposit in-
 24 surance funds” and inserting “the Deposit Insur-
 25 ance Fund”;

1 (7) in section 21B(e) (12 U.S.C. 1441b(e))—

2 (A) in paragraph (5), by inserting “as of
3 the date of funding” after “Savings Association
4 Insurance Fund members” each place that term
5 appears; and

6 (B) by striking paragraphs (7) and (8);
7 and

8 (8) in section 21B(k) (12 U.S.C. 1441b(k))—

9 (A) by inserting before the colon “, the fol-
10 lowing definitions shall apply”;

11 (B) by striking paragraph (8); and

12 (C) by redesignating paragraphs (9) and
13 (10) as paragraphs (8) and (9), respectively.

14 (e) AMENDMENTS TO THE HOME OWNERS’ LOAN
15 ACT.—The Home Owners’ Loan Act (12 U.S.C. 1461 et
16 seq.) is amended—

17 (1) in section 5 (12 U.S.C. 1464)—

18 (A) in subsection (c)(5)(A), by striking
19 “that is a member of the Bank Insurance
20 Fund”;

21 (B) in subsection (c)(6), by striking “As
22 used in this subsection—” and inserting “For
23 purposes of this subsection, the following defini-
24 tions shall apply.”;

1 (C) in subsection (o)(1), by striking “that
2 is a Bank Insurance Fund member”;

3 (D) in subsection (o)(2)(A), by striking “a
4 Bank Insurance Fund member until such time
5 as it changes its status to a Savings Association
6 Insurance Fund member” and inserting “in-
7 sured by the Deposit Insurance Fund”;

8 (E) in subsection (t)(5)(D)(iii)(II), by
9 striking “affected deposit insurance fund” and
10 inserting “Deposit Insurance Fund”;

11 (F) in subsection (t)(7)(C)(i)(I), by strik-
12 ing “affected deposit insurance fund” and in-
13 serting “Deposit Insurance Fund”; and

14 (G) in subsection (v)(2)(A)(i), by striking
15 “the Savings Association Insurance Fund” and
16 inserting “or the Deposit Insurance Fund”; and
17 (2) in section 10 (12 U.S.C. 1467a)—

18 (A) in subsection (c)(6)(D), by striking
19 “this title” and inserting “this Act”;

20 (B) in subsection (e)(1)(B), by striking
21 “Savings Association Insurance Fund or Bank
22 Insurance Fund” and inserting “Deposit Insur-
23 ance Fund”;

24 (C) in subsection (e)(2), by striking “Sav-
25 ings Association Insurance Fund or the Bank

1 Insurance Fund” and inserting “Deposit Insur-
 2 ance Fund”;

3 (D) in subsection (e)(4)(B), by striking
 4 “subsection (1)” and inserting “subsection (l)”;

5 (E) in subsection (g)(3)(A), by striking
 6 “(5) of this section” and inserting “(5) of this
 7 subsection”;

8 (F) in subsection (i), by redesignating
 9 paragraph (5) as paragraph (4);

10 (G) in subsection (m)(3), by striking sub-
 11 paragraph (E) and by redesignating subpara-
 12 graphs (F), (G), and (H) as subparagraphs
 13 (E), (F), and (G), respectively;

14 (H) in subsection (m)(7)(A), by striking
 15 “during period” and inserting “during the pe-
 16 riod”; and

17 (I) in subsection (o)(3)(D), by striking
 18 “sections 5(s) and (t) of this Act” and inserting
 19 “subsections (s) and (t) of section 5”.

20 (f) AMENDMENTS TO THE NATIONAL HOUSING
 21 ACT.—The National Housing Act (12 U.S.C. 1701 et
 22 seq.) is amended—

23 (1) in section 317(b)(1)(B) (12 U.S.C.
 24 1723i(b)(1)(B)), by striking “Bank Insurance Fund
 25 for banks or through the Savings Association Insur-

1 ance Fund for savings associations” and inserting
2 “Deposit Insurance Fund”; and

3 (2) in section 536(b)(1)(B)(ii) (12 U.S.C.
4 1735f–14(b)(1)(B)(ii)), by striking “Bank Insurance
5 Fund for banks and through the Savings Association
6 Insurance Fund for savings associations” and insert-
7 ing “Deposit Insurance Fund”.

8 (g) AMENDMENTS TO THE FINANCIAL INSTITUTIONS
9 REFORM, RECOVERY, AND ENFORCEMENT ACT OF
10 1989.—The Financial Institutions Reform, Recovery, and
11 Enforcement Act of 1989 (12 U.S.C. 1811 note) is
12 amended—

13 (1) in section 951(b)(3)(B) (12 U.S.C.
14 1833a(b)(3)(B)), by inserting “and after the merger
15 of such funds, the Deposit Insurance Fund,” after
16 “the Savings Association Insurance Fund,”; and

17 (2) in section 1112(c)(1)(B) (12 U.S.C.
18 3341(c)(1)(B)), by striking “Bank Insurance Fund,
19 the Savings Association Insurance Fund,” and in-
20 serting “Deposit Insurance Fund”.

21 (h) AMENDMENT TO THE BANK HOLDING COMPANY
22 ACT OF 1956.—The Bank Holding Company Act of 1956
23 (12 U.S.C. 1841 et seq.) is amended—

1 (1) in section 2(j)(2) (12 U.S.C. 1841(j)(2)), by
 2 striking “Savings Association Insurance Fund” and
 3 inserting “Deposit Insurance Fund”; and

4 (2) in section 3(d)(1)(D)(iii) (12 U.S.C.
 5 1842(d)(1)(D)(iii)), by striking “appropriate deposit
 6 insurance fund” and inserting “Deposit Insurance
 7 Fund”.

8 (i) AMENDMENTS TO THE GRAMM-LEACH-BLILEY
 9 ACT.—Section 114 of the Gramm-Leach-Bliley Act (12
 10 U.S.C. 1828a) is amended by striking “any Federal de-
 11 posit insurance fund” in subsection (a)(1)(B), paragraphs
 12 (2)(B) and (4)(B) of subsection (b), and subsection
 13 (c)(1)(B), each place that term appears and inserting “the
 14 Deposit Insurance Fund”.

15 (j) EFFECTIVE DATE.—This section and the amend-
 16 ments made by this section shall take effect on the day
 17 of the merger of the Bank Insurance Fund and the Sav-
 18 ings Association Insurance Fund pursuant to the Federal
 19 Deposit Insurance Reform Act of 2005.

Passed the House of Representatives December 19
 (legislative day, December 18), 2005.

Attest:

Clerk.

109TH CONGRESS
1ST SESSION

H. R. 4636

AN ACT

To enact the technical and conforming amendments necessary to implement the Federal Deposit Insurance Reform Act of 2005, and for other purposes.